



HON. SYLVIA O. HINDS-RADIX
Corporation Counsel

THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, N.Y. 10007

MICHAEL PESIN-VIROVETS
Senior Counsel
Office: (212) 356-2617
Mobile: (646) 596-0583
Email: mpvirove@law.nyc.gov

July 21, 2023

BY ECF

Honorable Vera M. Scanlon
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: Payamps v. City of New York, et al.
22-CV-00563 (AMD) (VMS)

I am a Senior Counsel in the Office of the Hon. Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, and the attorney representing defendants the City of New York ("City"), Mayor Bill de Blasio, Commissioner Dermot Shea, NYPD Chief of Department Terence Monahan, Police Officer Daniel Auguste, Police Officer Corey Johnson, and Inspector Jesse Lance (collectively "defendants") in the above-referenced matter. Pursuant to the Court's Individual Practice Rules, Defendants write in response to Plaintiff's July 18, 2023 Motion to Compel, requesting Your Honor "to issue an Order directing the Defendants to produce [to Plaintiff] their conflict waivers, or a statement that none exist." (See ECF No. 75).

As an initial matter, it is Defendants' position that conflict waivers constitute privileged communications, and therefore, Plaintiff is not entitled to same. With respect to Plaintiff's belief that there is a purported conflict in this case that prevents this Office from undertaking Defendant Lance's representation, the undersigned assures the Court that this Office takes conflict issues very seriously and that this case has been fully vetted for any conflicts. Additionally, because conflicts analyses are a continuing obligation, the appropriate checks are being conducted on a continuous basis as necessary.

But should the Court require additional information to address Plaintiff's expressed concern, this Office is happy to provide that information to the Court. However, because that will, in part, require disclosing privileged communications, we request that any inquiry be conducted, or any additional submissions by our Office be filed, *ex parte*.

Defendants thank the Court for its consideration.

By:



Michael Pesin-Virovets
Senior Counsel

cc:

By ECF

Elena Louisa Cohen
Cohen Green PLLC
Attorney for Plaintiff

Remy Green
Cohen & Green
Attorney for Plaintiff

Jessica S. Massimi
99 Wall Street, Ste. 1264
New York, NY 10005
Attorney for Plaintiff

Gideon Orion Oliver
Attorney at Law
277 Broadway
Suite 1501
New York, NY 10007
Attorney for Plaintiff